MAY 24 2016

LOS ANGELES WATERKEEPER®

May 17, 2016

SENT VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Cesar Cappellini, President and CEO
Bell Foundry Co
P.O. Box 1070
South Gate, CA 90280

Cesar Cappellini, President and CEO
Bell Foundry Co
5310 Southern Avenue
South Gate, CA 90280

Lawrence C. Tistaert, Esq.
Law Office of Lawrence C. Tistaert
Agent for Service of Process
c/o Bell Foundry Co.
710 Wilshire Blvd., Suite 425
Santa Monica, CA 90401

Re: Notice of Violation and Intent to File Suit Under the Federal Water Pollution Control Act

Dear Mr. Cappellini and Mr. Tistaert:

I am writing on behalf of the Los Angeles Waterkeeper ("Waterkeeper") regarding violations of the Federal Water Pollution Control Act ("Clean Water Act" or "Act"), 33 U.S.C. § 1251 *et seq*., by the Bell Foundry Co facility located at 5310 and 5311 Southern Avenue in South Gate, California ("Bell" or "Facility"). The responsible Owner(s) and/or Operator(s) of the Bell Foundry Co include Cesar Cappellini, President and Chief Executive Officer; Edgar Cruz, Vice President of Operations; Bobby Twijsel, Maintenance Engineer; and Dimitry Rabyy, Chief Financial Officer (collectively referred to as "Bell Foundry").

Section 505 of the Clean Water Act allows citizens to bring suit in federal court against facilities alleged to be in violation of the Act and/or related permits. Section 505(b) of the Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act, 33 U.S.C. § 1365(a), a citizen must give notice of its intention to file suit. Notice must be given to the alleged violator, the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of EPA, the Executive Officer of the water pollution control agency in the State in which the alleged violations occur,

and, if the violator is a corporation, the registered agent of the corporation. *See* 40 C.F.R. § 135.2(a)(1).

This letter ("Notice Letter") constitutes notice to Bell Foundry, as the owner(s) and/or operator(s) of the Facility, pursuant to the Act, 33. U.S.C. §§ 1365(a) and (b), and informs Bell Foundry of Waterkeeper's intent to file a civil action against the Facility for its violations of Sections 301 and 402 of the Act, 33 U.S.C. §§ 1311, 1342, and California's General Industrial Storm Water Permit, National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001, Water Quality Order No. 97-03-DWQ ("1997 Permit"), as superseded by Order No. 2015-0057-DWQ ("2015 Permit").[1] As explained below, the 2015 Permit includes many of the same fundamental requirements and implements the same statutory requirements as the 1997 Permit. Waterkeeper may herein refer to the 1997 Permit and the 2015 Permit interchangeably as the "General Industrial Permit" or "Permit."

As detailed herein, Bell Foundry and the Facility are in ongoing violation of the General Industrial Permit and the Clean Water Act. The Facility's unlawful discharges of pollutants adversely affect the Los Angeles River ("River" or "Receiving Waters") and endanger the health and welfare of individuals and communities throughout the region. Violations of these requirements constitute ongoing violations for purposes of Clean Water Act enforcement. Bell Foundry Co is subject to civil penalties for all violations of the Act occurring since May 17, 2011. Unless the Facility takes the actions necessary to remedy the ongoing violations of the General Industrial Permit and the Act, Waterkeeper intends to file suit in U.S. District Court following expiration of the 60-day notice period, seeking civil penalties, injunction relief, fees and costs.

I. Background

A. Los Angeles Waterkeeper

The Waterkeeper is a non-profit public benefit corporation organized under the laws of California and is located at 120 Broadway, Santa Monica, California 90401. Waterkeeper is an organization of the Waterkeeper Alliance, the world's fastest growing environmental movement.

Founded in 1993, LAW is dedicated to the preservation, protection and defense of the rivers, creeks and coastal waters of Los Angeles County. The organization works to achieve this goal through litigation and regulatory programs that ensure water quality protection for all waterways in Los Angeles County. Where necessary to achieve its objectives, Waterkeeper directly initiates enforcement actions under the Act on behalf of itself and its members.

Waterkeeper has approximately 3,000 members who live and/or recreate in and around the Los Angeles basin, including many who live and recreate along the Los Angeles River and connected waters. Waterkeeper members use local waters and waterways to fish, surf, swim,

[1] The 1997 Permit was in effect between 1997 and June 30, 2015, and the 2015 Permit went into effect on July 1, 2015.

sail, SCUBA dive and kayak. Additionally, Waterkeeper's members maintain water pollution and habitat monitoring programs, as well as coordinate various scientific studies.

The unlawful discharge of pollutants from the Facility into the River impairs the ability of LAW members to use and enjoy these waters. Thus, the interest of Waterkeeper's members have been, are being, and will continue to be adversely affected by the Facility's failure to comply with the Clean Water Act and General Industrial Permit.

B. The Bell Foundry Facility's Owner(s) and/or Operator(s)

Information available to Waterkeeper indicates that the Facility is owned and/or operated by Bell Foundry Co; Cesar Cappellini, President and Chief Executive Officer; and Edgar Cruz, Vice President of Operations. *See* http://www.bfco.com/Bell_Foundry_Contact_Us.html. Bell Foundry Co has its principal offices at 5310 Southern Avenue, South Gate, California 90280. Bell Foundry Co is an active corporation registered with the California Secretary of State under entity number C0309317. According to the Secretary of State, Bell Foundry Co's Agent for Service of Process is Mr. Lawrence C. Tistaert.

C. The Clean Water Act and Storm Water Permitting

The objective of the Act is to "restore and maintain the chemical, physical and biological integrity of the Nation's waters." 33 U.S.C. §§ 1251(a), 1311(b)(2)(A). To this end, the Act prohibits the discharge of a pollutant from any point source[2] into waters of the United States except in compliance with other requirements of the Act, including Section 402, which provides for NPDES permits. 33 U.S.C. §§ 1311(a), 1342(p). In California, the EPA has delegated it authority to issue NPDES permits to the State Water Resources Control Board ("State Board"). 33 U.S.C. §§ 1342(b), (d). The Los Angeles Regional Water Quality Control Board ("Regional Board") is responsible for issuance and enforcement of the General Industrial Permit in Region 4, which covers both the Facility and Receiving Waters. In order to discharge storm water lawfully in California, Bell must enroll in and comply with all terms and conditions of the Permit.

1. *The 1997 General Industrial Permit*

The 1997 Permit required that dischargers meet all applicable provision of Act's Sections 301 and 402. These provisions require control of pollutant discharges using Best Management Practices ("BMPs") that achieve either best available technology economically achievable ("BAT") or best conventional pollutant control technology ("BCT") to prevent or reduce pollutants.[3] 33 U.S.C. §§ 1311(b)(2)(A), (B). Rather than requiring the specific application of

[2] A point source is defined as any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. 33 U.S.C. § 1362(14); see 40 C.F.R. § 122.2.

[3] Effluent Limitation B(3) of the 1997 Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BCT for conventional pollutants, which include Total Suspended Solids

BAT or BCT techniques to each storm water discharge, compliance with the terms and conditions of the 1997 Permit served as a proxy for meeting the BAT/BCT mandate. *See* 1997 Permit, Finding 10. Conversely, failure to comply with the terms and conditions of the 1997 Permit constituted a failure to subject discharges to BAT/BCT in violation of the Act.

2. *The 2015 General Industrial Permit*

The 2015 Permit retains the essential structure and mandate of the 1997 Permit, including the requirement to comply with BAT/BCT standards. The 2015 Permit requires operators to implement certain minimum BMPs, as well as advanced BMPs as necessary to achieve compliance with the effluent and receiving water limitations. In addition, the 2015 Permit requires all facility operators to sample storm water discharges more frequently than the 1997 Permit, and to compare the analytical results of sample testing to numeric action levels ("NALs") as opposed to the EPA Benchmarks. All facility operators are required to perform exceedance Response Actions ("ERAs") as appropriate when sample testing indicates a NAL exceedance. Failure to comply with the terms and conditions of the 2015 Permit constitutes a failure to subject discharges to BAT/BCT in violation of the Act.

3. *Both Permits Applicable to Bell Facility in May 2016*

Both the 1997 Permit and the 2015 Permit generally require facility operators to: i) submit a Notice of Intent ("NOI") certifying the type of activity or activities undertaken at a facility and committing the operator to comply with the terms and conditions of the Permit; ii) eliminate unauthorized non-storm water discharges; iii) develop and implement a Storm Water Pollution Prevention Plan ("SWPPP"); iv) perform monitoring of storm water discharges and authorized non-storm water discharges; and v) file an Annual Report summarizing the year's industrial activities and certifying compliance with the General Industrial Permit.

At present, Bell is liable for violations of the 1997 Permit and ongoing violations of the 2015 Permit. *See Illinois v Outboard Marine, Inc.* 680 F.2d 473, 480-81 (7th Cir. 1982) (granting relief for violations of an expired permit); *Sierra Club v Aluminum Co of Am.*, 585 F. Supp. 842, 853-54 (N.D.N.Y 1984) (holding that the Clean Water Act's legislative intent and public policy favor allowing penalties for violations of expired permits); *Pub. Interest Research Group of N.J. v Carter Wallace, Inc.* 684 F. Supp. 115, 121-22 (D.N.J. 1988) (holding that limitations of an expired permit, when transferred to a newly issued permit, are viewed as currently in effect for enforcement purposes).

D. Coverage Under General Industrial Permit

Certain facilities that discharge storm water associated with industrial activity are required to apply for coverage under the General Industrial Permit by submitting a Notice of Intent ("NOI") to the State Board. *See* Permit 1997, Finding #12. Upon information and belief,

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("TSS"), Oil and Gas ("O&G"), pH, BOD and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional, which must undergo BAT treatment prior to discharge. *Id.*; 40 C.F.R. § 401.15.

Bell first obtained Permit coverage on January 24, 1992 ("NOI 1992"); enrolled for coverage under the 1997 Permit on May 8, 1997 ("NOI 1997"); and then on March 6, 2015 obtained coverage under the 2015 Permit ("NOI 2015"). The Waste Discharge Identification ("WDID") number for the Bell Facility is 4 19I000045. The three NOIs on file with the Regional Board indicate that Bell Foundry Co owns and/or operates the Bell Facility, and list the Primary Standard Industrial Classification ("SIC") code as 3321 (Gray and Ductile Iron Foundries). The NOI filed with the State Board in 2015 indicates the Facility's secondary SIC code is 3365 (Aluminum Foundries).

II. The Bell Facility, the Los Angeles River and Applicable Discharge Standards

A. The Bell Foundry Facility and Discharge Locations

Based on information contained in each of the three NOIs on file with the State Board, as supplemented by satellite mapping imagery available online and the May 6 reconnaissance visit, the 80-year-old Facility is located in South Gate, California and spans at least two distinct properties with street addresses of 5310 and 5311 Southern Avenue. The properties are separated by Southern Avenue, and bordered by public recreational facilities, Reach 2 of the Los Angeles River, Burtis Street, a railroad track and a residential neighborhood. Two schools, hundreds of homes and numerous commercial/retail shops are located in close proximity.

The Facility is approximately 10 acres of principally impervious surfaces. Industrial activities, for both ferrous and non-ferrous production, take place in and around Plant #1 at the 5310 Southern Avenue address. Storm water from activities at 5310 Southern Avenue flow from the property into the Los Angeles River or storm drains that discharge into the River from at least three locations: i) through a dedicated storm water collection system at the South-Eastern edge of the campus (See Exhibit B, Photo 1); ii) onto Southern Street from the North-Eastern portion of the parcel near the parking lot; and iii) from various locations at the Western edge of Plant #1 along the railroad (See Exhibit B, Photo 2).

Machining and shipping/receiving activities occur in or around Plants #3 and #4, respectively, and are located at the 5311 Southern Avenue portion of the campus. Storm water flows from this portion of the Facility through a storm drain located along Burtis Street and behind Plant #3 (See Exhibit B, Photo 3).

The Facility's campus includes numerous auxiliary buildings, temporary structures and makeshift enclosures (e.g. canvas car port tents), hazardous waste storage areas, parking lots, maintenance areas for autos and machinery, garbage cans and bins storing scrap metal. In addition, at the Southern most portion of the campus, and adjacent to one of the Facility's three disclosed discharge points, is a dirt yard apparently used for the long term storage of scrap metal and discarded machinery and tools (including hydraulic components). This area also contains a large metal roll-off bin containing unknown potential pollutants that sits atop exposed and unstable soils that are highly susceptible to erosion (See Exhibit B, Photos 4-5). According to the EPA, SIC Major Group 33 generally include considerable areas of raw and waste material

storage such as coal, coke, metal, ores, sand, scale, scrap and slag, all of which are potential sources of water pollution.

Representatives of Waterkeeper report the presence of extensive quantities of potential pollutants scattered throughout the Facility in areas that are both exposed to storm water and lack any sort of containment. Of particular concern to Waterkeeper are: 1) the large quantities of a black, oily coal-like substance escaping from various holes in Western-facing wall of Plant #1 (See Exhibit B, Photos 6-8); the uncovered oil or chemical drums located in various locations; and an unknown metallic substance, heaped into at least ten 55-gallon metal drums, sitting exposed to the elements at the Southern end of Plant #1 (See Exhibit B, Photo 9-10).

B. Industrial Activities at Bell Foundry

Pollutants associated with operations at the Facility include, but are not limited to: substances affecting pH and specific conductance ("SC"); metals, such as iron and aluminum; toxic metals, such as lead and zinc; total suspended solids ("TSS"); oil and grease ("O&G"); total organic carbon ("TOC"); chemical oxygen demand ("COD"); gasoline and/or diesel fuels; fuel additives; coolants; nitrates and nitrites as nitrogen; and coal and petcoke used as fuel and/or feedstock.

According to information and belief, Bell Foundry's primary objectives are the fabrication of iron (ferrous) and aluminum (non-ferrous) castings for commercial and automotive industries. In order to accomplish these objectives, the Facility's industrial activities include, but may not be limited to: ferrous metal product fabrication, non-ferrous product fabrication; finishing operations including cutting, shaping, sanding, heat treatment, anodizing, painting, hardening and coating of both ferrous and non-ferrous products; storage of raw and waste materials including ferrous scrap, metal ingots, silica sand, abrasives, resin, chemical coatings, solvents and lubricants; loading and unloading transport vehicles with raw materials (including chemical components), finished products and waste materials; and storage and use of oil, fuel and chemicals necessary for machinery and vehicle operation and maintenance.

Information available to Waterkeeper indicates that Bell has not properly developed and/or implemented best management practices ("BMPs") to address pollutant sources and avoid contaminated discharges as required by the Permit. BMPs are necessary at the Facility to prevent the exposure of pollutants to precipitation and the subsequent discharge of polluted storm water during rain events. Information available to Waterkeeper indicates that raw material, scrap metal, hazardous waste, heavy metals, O&G, coal/petcoke and various other materials and chemicals used in the fabrication process are stored outdoors, and that some production activities take place outside of any plant or covered area and without the benefit of primary or secondary containment. Additionally, the Southern corner of the 5310 Southern Avenue is littered with rusted scrap metal, uncovered used machinery and equipment, uncovered oil and chemical drums, large quantities of deteriorating rubber, paper and plastic trash, and other pollutants. This area is referred to as the "equipment boneyard" in the Facility's most recent SWPPP on file with the State Board. All of these pollutant sources are exposed to storm water.

As a consequence of the Facility's failure to develop and implement BMPs, during rain events storm water carries pollutants from the Facility's raw material storage area(s), finishing product storage area(s), waste and scrap material storage area(s), parking area(s), finishing area(s), washing and maintenance area(s), garbage and refuse storage area(s) and other areas into the storm sewer system and/or directly into the Receiving Waters. These illegal discharges of polluted storm water negatively impact Waterkeeper's members' use and enjoyment of the Receiving Waters by degrading water quality, harming aquatic and aquatic-dependent life and threatening human health and welfare.

C. Storm Water Pollution and the Facility's Receiving Waters

With every significant rainfall event millions of gallons of polluted storm water originating at industrial facilities pour into storm drains and local waterways. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. In Los Angeles County, these discharges contribute not only to the impairment of the waters receiving polluted discharges, but all downstream waters including the Pacific Ocean. Contaminated discharges threaten the health of the aquatic and associated terrestrial ecosystems in the receiving waters, and also the welfare of communities that live near and/or use these resources.

Polluted discharges from industrial facilities like Bell are known to contain substances affecting pH; metals, such as iron and aluminum; toxic metals, such as lead, zinc, cadmium, chromium, copper, arsenic, and mercury; COD; BOD; TSS; TOC; benzene; gasoline and diesel fuels, fuel additives; coolants; antifreeze; nitrate + nitrite nitrogen ("N+N"); substances affecting SC; O&G; and trash. Discharges of polluted storm water and non-storm water to the Receiving Waters pose carcinogenic, developmental and reproductive toxicity threats to the public, and adversely affect the aquatic environment.

The Receiving Waters are ecologically sensitive areas. Although pollution and habitat destruction have drastically altered the natural ecosystem, the Receiving Waters are still essential habitat for dozens of fish and bird species, as well as macro-invertebrate and invertebrate species. EPA Administrator Lisa Jackson observed in 2010 that the River "deserve[d] the same protection as a pristine river anywhere in our country."[4]

Storm water and non-storm water contaminated with sediment, heavy metals, and other pollutants harm the special aesthetic and recreational significance the Receiving Waters have for people in surrounding communities, including LAW members. The public's use of the Receiving Waters for water contact sports and fishing exposes many people to toxic metals, pathogens, bacteria and other contaminants in storm water and non-storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

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[4] *A River Really Runs Through It*, Wall Street Journal, July 31, 2010 available at: http://www.wsj.com/articles/SB10001424052748704229004575371250531411806

The Regional Board issued the "Water Quality Control Plan—Los Angeles Region: Basic Plan for the Coastal Watersheds of Los Angeles and Ventura County" ("Basin Plan"). *See* http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/basin_plan_documentation.html. The Basin Plan identifies the "Beneficial Uses" of the portions of the Los Angeles River Watershed that receive polluted storm water discharges from the Facility. These Beneficial Uses include: water contact recreation ("REC 1"), non-contact water recreation ("REC 2"), warm freshwater habitat ("WARM"), ground water recharge ("GWR"), wildlife habitat ("WILD"), wetland ("WET"), estuarine habitat ("EST"), industrial service supply ("IND"), navigation ("NAV"), marine habitat ("MAR"), commercial fishing ("COMM"), rare, threatened, or endangered ("RARE"), migration of aquatic organisms ("MIGR"), and spawning, reproduction and/or early development ("SPWN"). *See* Basin Plan, Table 2-1.

According to the 2010 303(d) List of Impaired Water Bodies, Reaches 1 and 2 of the Los Angeles River are impaired by pollutants such as pH, cyanide, diazinon, lead, nutrients, ammonia, cadmium, coliform bacteria, copper, trash, zinc, and oil.[5] The Los Angeles River Estuary is impaired by, among other pollutants, chlordane, sediment toxicity, and trash.[6] The Los Angeles/Long Beach Harbor is impaired by at least chrysene, copper, sediment toxicity, mercury, and zinc.[7] The San Pedro Bay is impaired by sediment toxicity, and the Long Beach City Beach, one of the San Pedro Bay beaches, is impaired by indicator bacteria.[8]

Polluted discharges from the Facility cause and/or contribute to the degradation of these already impaired surface waters, beaches, and aquatic dependent wildlife. The pollutants discharged into Reaches 1 and 2 of the River flow to the Pacific Ocean via the Los Angeles River Estuary, Los Angeles/Long Beach Harbor, and San Pedro Bay. Contaminated storm water discharges, including those from the Facility, must be eliminated if the Los Angeles area's aquatic ecosystems have any chance to regain their health.

D. Applicable Effluent Standards or Limitations

The General Industrial Permit requires all facilities to sample and analyze storm water discharges for the following parameters: pH, TSS, SC, and TOC or O&G. 1997 Permit, § B(5)(c)(i); 2015 Permit, §§ XI(B)(6)(a)-(b). As noted above, Bell is classified under SIC codes 3321 and 3365, which requires that the Facility analyze storm water samples for additional contaminants, including Aluminum, Copper, Iron, and Zinc. *See* 1997 Permit, Table D; 2015 Permit, § VI(B).

The EPA published "benchmark" levels as numeric thresholds to aid in determining whether a facility discharging industrial storm water had implemented the requisite BAT and/or

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[5] 2010 Integrated Report – All Assessed Waters, available at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml (last accessed on May 9, 2016).
[6] *Id.*
[7] *Id.*
[8] *Id.*

BCT as mandated by the Act. *See United States Environmental Protection Agency NPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity*, as modified effective May 9, 2009. EPA's benchmarks serve as objective measures for evaluating whether a permittee's BMPs achieve BAT/BCT standards as required by Effluent Limitation B(3) of the 1997 Permit. Under the 2015 Permit, the State Board replaced the use of "benchmarks" with Numeric Action Levels ("NALs"). *See* 2015 Permit, § V(A). NALs are derived from, and function similar to, EPA benchmarks. *See* 2015 Permit Fact Sheet, § I(D)(5). Benchmarks and NALs represent pollutant concentrations at which a storm water discharge could impair, or contribute to impairing, water quality and/or affect human health.

EPA benchmarks and/or NALs established for pollutants discharged from the Facility are summarized below at Table 1.

TABLE 1
BENCHMARK AND NAL VALUES FOR POLLUTANTS AT BELL FACILITY

PARAMETER/ POLLUTANT	EPA BENCHMARK	ANNUAL NAL	INSTANTANEOUS MAX NAL
pH	6.0-9.0 s.u.	n/a	6.0-9.0 s.u.
TSS	100 mg/L	100 mg/L	400 mg/L
O&G	15 mg/L	15 mg/L	25 mg/L
SC	200 uhmos/cm	200 uhmos/cm	n/a
TOC	110 mg/L	110 mg/L	n/a
COD	120 mg/L	120 mg/L	n/a
Al	0.75 mg/L	0.75 mg/L	n/a
Cu	n/a	0.0332 mg/L	n/a
Fe	1.0 mg/L	1.0 mg/L	n/a
Zn	0.117 mg/L	0.26 mg/L	n/a

III. Violations of the Clean Water Act and the General Industrial Permit

The Act requires that any person discharging pollutants to waters of the United States from a point source obtain coverage under an NPDES permit, such as the General Industrial Permit. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.26(c)(1). As described above, both the 1997 Permit and the 2015 Permit require that all dischargers meet all applicable provisions of Act's Sections 301 and 402. Rather than requiring specific application of BAT or BCT to each storm water discharge, compliance with the terms and conditions of the Permit serves as a proxy for compliance with the technology-based treatment requirements. *See e.g.* 1997 Permit, Finding 10. Thus, compliance with the General Industrial Permit constitutes compliance with the Act for purposes of storm water discharges. 33 U.S.C. §§ 1311(b)(2)(A), 1311(b)(2)(E). Conversely, failure to comply with the terms and conditions of the Permit constitutes a violation of the Act for failure to subject discharges to BAT/BCT.

The citizen suit provisions of the Act provide that "any citizen" may commence a suit "against any person," including a corporation, "who is alleged to be in violation of an effluent standard or limitation under this chapter." 33 U.S.C § 1365(a)(1). The Act then defines "effluent standard or limitation" to include "a permit or condition" issued under section 402. *Id.* § 1365(f)(6). Accordingly, Waterkeeper may commence a suit alleging violations of the General Industrial Permit by Bell. *See Natural Resources Defense Council v Southwest Marine, Inc.*, 236 F. 3d 985 (9th Cir. 2000) (allowing citizen action for alleged storm water permit violations holding company liable for discharges of "significant contributions of pollutants" and inadequate record keeping).

In the years since enrolling in the General Industrial Permit program, Bell has failed to carry out its Permit obligations, and thereby violated the Clean Water Act. As discussed in further detail below, Bell is in ongoing violation of the General Industrial Permit, and its violations span at least the last 5 years. Specifically, Bell has repeatedly discharged exceedingly high levels of pollutants, including iron, aluminum and zinc, in violation of the effluent limitations and receiving water limitations; failed to develop an adequate monitor and reporting program; and failed to develop, implement and update an adequate SWPPP to ensure the development and implementation of BMPs that achieve BAT/BCT standards.

A. Discharges of Polluted Storm Water from the Bell Facility in Violation of Effluent Limitations

Effluent Limitation section B(3) of the 1997 Permit and V(A) of the 2015 Permit require dischargers to reduce or prevent pollutants in their storm water discharges through the implementation of BMPs that meet BAT standards for toxic and non-conventional pollutants, and BCT standards for conventional pollutants.[9] As discussed above, the analytical results from a given facility are measured against EPAs benchmarks and/or the State Board's NALs to determine whether BMPs are adequate to qualify as meeting the statutory mandate.[10]

According to information available to Waterkeeper, including a thorough review of both electronic and hard copy files held by the State Board, the Facility has been in continuous violation of the Permit's Effluent Limitations for the entirety of the relevant statute of limitations, at least with respect to TSS, Aluminum (Al), Copper (Cu), Iron (Fe) and Zinc (Zn). The pattern of exceedances of benchmark/NAL values over more than 15 years confirms Bell's consistent failure to implement adequate BMPs and its ongoing violation of the Permit and Act. The data available to Waterkeeper, as reported to the Regional Board by Bell, relevant to Facility's violations of the Permit's Effluent Limitation are summarized below at Table 2. Self-monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

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[9] Toxic pollutants are listed at 40 C.F.R. § 401.15 and conventional pollutants are listed at 40 C.F.R. § 401.16.

[10] The statute of limitations applicable to citizen enforcement actions under the CWA is 5 years. Lines 1-29 of Table 2 document violations that are beyond this 5-year limitations period. However, exceedances of benchmark values for storm water years 2000-2001 and 2003-2004 as depicted in lines 1-29 are evidence of a facility's failure to implement BMPs over time.

TABLE 2
SAMPLING DATA DEMONSTRATES ONGOING EXCEEDANCES OF EFFLUENT LIMITATIONS FOR MULTIPLE POLLUTANTS

LINE	DATE	PARAMETER	OBSERVED CONCENTRATION (mg/L)	EPA BENCHMARK (mg/L)	APPLICABLE NAL (mg/L)	SAMPLE POINT
1	2/23/01	TSS	180	100	n/a	Plant 1
2	2/23/01	TSS	160	100	n/a	Plant 3
3	2/23/01	TSS	120	100	n/a	Plant 4
4	2/23/01	Al	6.2	0.75	0.75	Plant 1
5	2/23/01	Al	3.2	0.75	0.75	Plant 3
6	2/23/01	Al	4.4	0.75	0.75	Plant 4
7	2/23/01	Cu	0.087	0.0332	0.0332	Plant 3
8	2/23/01	Cu	0.053	0.0332	0.0332	Plant 4
9	2/23/01	Fe	6.8	1.0	1.0	Plant 1
10	2/23/01	Fe	4.7	1.0	1.0	Plant 3
11	2/23/01	Fe	7.1	1.0	1.0	Plant 4
12	2/23/01	Zn	0.60	0.117	0.26	Plant 1
13	2/23/01	Zn	0.29	0.117	0.26	Plant 3
14	2/23/01	Zn	0.39	0.117	0.26	Plant 4
15	2/18/04	TSS	140	100	n/a	Plant 1
16	2/18/04	TSS	120	100	n/a	Plant 3
17	2/18/04	TSS	280	100	n/a	Plant 4
18	2/18/04	Al	6	0.75	0.75	Plant 1
19	2/18/04	Al	4.6	0.75	0.75	Plant 3
20	2/18/04	Al	7.1	0.75	0.75	Plant 4
21	2/18/04	Cu	0.031	0.0332	0.0332	Plant 1
22	2/18/04	Cu	0.11	0.0332	0.0332	Plant 3
23	2/18/04	Cu	0.087	0.0332	0.0332	Plant 4
24	2/18/04	Fe	6.2	1.0	1.0	Plant 1
25	2/18/04	Fe	11	1.0	1.0	Plant 3
26	2/18/04	Fe	10	1.0	1.0	Plant 4
27	2/18/04	Zn	5.6	0.117	0.26	Plant 1
28	2/18/04	Zn	5.3	0.117	0.26	Plant 3
29	2/18/04	Zn	5.3	0.117	0.26	Plant 4
30	9/15/15	TSS	120	100	n/a	unknown

31	9/15/15	Al	4.5	0.75	0.75	unknown
32	9/15/15	Al	4.7	0.75	0.75	unknown
33	9/15/15	Al	1.7	0.75	0.75	unknown
34	9/15/15	Cu	0.053	0.0332	0.0332	unknown
35	9/15/15	Fe	5.9	1.0	1.0	unknown
36	9/15/15	Fe	9.8	1.0	1.0	unknown
37	9/15/15	Fe	2.1	1.0	1.0	unknown
38	9/15/15	Zn	0.97	0.117	0.26	unknown
39	9/15/15	Zn	0.66	0.117	0.26	unknown
40	9/15/15	Zn	0.28	0.117	0.26	unknown
41	1/05/16	TSS	180	100	n/a	unknown
42	1/05/16	TSS	150	100	n/a	unknown
43	1/05/16	TSS	160	100	n/a	unknown
44	1/05/16	Al	6.3	0.75	0.75	unknown
45	1/05/16	Al	3.3	0.75	0.75	unknown
46	1/05/16	Al	4.2	0.75	0.75	unknown
47	1/05/16	Cu	0.043	0.0332	0.0332	unknown
48	1/05/16	Cu	0.084	0.0332	0.0332	unknown
49	1/05/16	Fe	11	1.0	1.0	unknown
50	1/05/16	Fe	6	1.0	1.0	unknown
51	1/05/16	Fe	16	1.0	1.0	unknown
52	1/05/16	Zn	0.66	0.117	0.26	unknown
53	1/05/16	Zn	0.37	0.117	0.26	unknown
54	1/05/16	Zn	0.40	0.117	0.26	unknown

The results of storm water sample analysis between February 2015 and January 2016 (as summarized in lines 30 through 54 of Table 2) show consistent exceedances of the EPA benchmark levels and relevant NALs for TSS, Aluminum (Al), Copper (Cu), Iron (Fe) and Zinc (Zn). In some cases, data indicates exceedances of a benchmark or NAL value by more than 1000%, e.g. lines 49 and 51. Information available to Waterkeeper, including the sampling data summarized above in Table 2, demonstrates that the Facility has failed, and continues to fail, to develop or implement BMPs that achieve compliance with the Act's BAT/BCT mandates.[11]

[11] 2015 Permit Effluent Limitation V.A. is a separate, independent requirement with which Bell must comply, and that carrying out the iterative process triggered by exceedances of NALs in the 2015 Permit does not amount to compliance with Effluent Limitation V.A. While exceedances of the NALs demonstrate that a facility is among the worst performing facilities in the State, the NALs do not represent technology based criteria relevant to determining whether an industrial facility has implemented BMPs that achieve BAT/BCT. And even if Bell submits an

Waterkeeper puts Bell on notice that it violates the Permit's Effluent Limitations and the Act every time it discharges storm water without adequate BMPs (see Exhibit A "Storm Event Summary" listing storm events between 2011 and 2016 likely to produce sufficient storm water discharges to allow sampling/analysis at the Facility). The data summarized in each line constitute a distinct and independent violation of the Act. These discharge violations are ongoing and will continue every time Bell discharges polluted storm water without developing and implementing BMPs consistent with BAT/BCT standards. Waterkeeper will update Table 2 as data becomes available.

B. Bell's Discharge of Polluted Storm Water Violates the Permit's Receiving Water Limitations

First, Receiving Water Limitation C(2) of the 1997 Permit prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable Water Quality Standard ("WQS").[12] The 2015 Permit includes the same receiving water limitation. *See* 2015 Permit, § VI.A. Discharges that contain pollutants in excess of an applicable WQS violate these Receiving Water Limitations. *See* 1997 Permit, § C(2); 2015 Permit, § VI.A.

Storm water sampling at the Facility demonstrates that discharges contain concentrations of pollutants that cause or contribute to a violation of at least two of the applicable WQS: 1) the Basin Plan; and 2) the EPA's California Toxics Rule ("CTR"). See 40 C.F.R. § 131.38. Both the Basin Plan and the CTR set the numeric limit for Aluminum at 1 milligram per liter (mg/L), which is identical to the level set in the EPA's benchmarks for the 1997 Permit and the applicable NAL in the 2015 Permit. Therefore, in addition to a violation of the Permit's Effluent Limitation, any and all exceedances of a 1 mg/L limit for Aluminum (as summarized in Table 2) is a separate and distinct violation of the Permit's Receiving Water Limitations. Discharges from the Facility in excess of the numeric water quality standards set in these WQS's constitute individual violations of Receiving Water Limitations.

Sampling from September 2015 demonstrates that the Facility was discharging Aluminum at almost 500% of the applicable WQS (see Table 2, line 32). Analytical data submitted to the Regional Board months later, in January 2016, confirm the Facility's violation of the Permit's Receiving Water Limitations, and failure to comply with the Act's BAT/BCT

Exceedance Response Action Plan(s) pursuant to Section XII of the 2015 Permit, the violations of Effluent Limitation V.A. described in this Notice Letter are ongoing

[12] The Basin Plan designates Beneficial Uses for the Receiving Waters. Water quality standards are pollutant concentration levels determined by the state or federal agencies to be protective of designated Beneficial Uses. Discharges above water quality standards contribute to impairment of Receiving Waters' Beneficial Uses. Applicable water quality standards include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38, and water quality objectives in the Basin Plan. Industrial storm water discharges must strictly comply with water quality standards, including those criteria listed in the applicable basin plan. *See Defenders of Wildlife v. Browner*, 191 F.3d 1159, 1166-67 (9th Cir. 1999).

requirements. The January 2016 data includes exceedances of Aluminum that are 1600% the applicable standard (see Table 2, line 52). These examples of Aluminum exceedances demonstrate that the Facility has violated and continues to violate the Permit's Receiving Water Limitations. *See* 1997 Permit, § C(2); 2015 Permit, § VI.A.

Second, Receiving Water Limitation C(1) of the 1997 Permit prohibits storm water discharges and authorized non-storm water discharges to surface water that adversely impact human health or the environment. The 2015 Permit includes the same Receiving Water Limitation. *See* 2015 Permit, § VI.B. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact aquatic species and the environment constitute violations of these Receiving Water Limitations. *See* 1997 Permit, §C(1); 2015 Permit, § VI.B.

Discharges of elevated concentrations of pollutants in the Facility's storm water adversely impact human health. The Facility discharges storm water that contains chemicals, including Zinc, which can be acutely toxic and/or have sub-lethal impacts on humans, wildlife and is likely to adversely affect overall ecosystem health. These harmful discharges from the Facility are violations of the Permit's Receiving Water Limitations. *See* 1997 Permit, § C(1); 2015 Permit, § VI.B. The EPA 303(d) List of Water Quality Limited Segments lists Reach 1 of the River, the segment immediately downstream from the Facility's discharge points, as impaired for Zinc (Zn). See htt://www.waterboards.ca.gov/losangles/water_issues/tmdl/impaired_waters_lists/2008_2010_uspa_303dlist/20082010_usepa_aprvd_303dlist.pdf. As a result of these findings, amendments to the Basin Plan contains additional water quality standards applicable to the River in the form of Total Maximum Daily Loads ("TMDLs"). For General Industrial Permit holders, the Basin Plan sets forth interim wet-weather concentration-based waste load allocations ("WLAs") that have been enforceable conditions for discharges since January 11, 2011. The WLA for Zinc is 0.117 mg/L, identical to the EPA Benchmark value. The EPA's CTR adopted freshwater numeric water quality standards for Zinc of 0.120 mg/L (Criteria Maximum Concentration – "CMC"). 65 Fed. Reg. 31712 (May 18, 2000). Thus, data from lines 38-40 and 52-54 of Table 2 establish independent violations of the Permit's Receiving Water Limitations.

Waterkeeper puts Bell Foundry on notice that that Permit's Receiving Water Limitations are violated each time polluted storm water discharges from the Facility, including each event summarized in Exhibit A. These discharge violations are ongoing and will continue every time contaminated storm water is discharged. Each time discharges of storm water from the Facility cause or contribute to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(2) of the 1997 Permit, Receiving Water Limitation VI.A of the 2015 Permit VI.A, and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Each discharge from the Facility that adversely impact human health or the environment is a separate and distinct violation of Receiving Water Limitation C(1) of the 1997 Permit, Receiving Water Limitation VI.B of the 2015 Permit, and Section 301(a) of the Clean Water Act. 33 U.S.C. § 1311(a). Waterkeeper will update violation dates as additional data becomes available.

C. Failure to Develop, Implement and/or Revise an Adequate Monitoring and Reporting Program for the Bell Facility

The 1997 Permit requires facility operators to develop and implement an adequate Monitoring and Reporting Program before industrial activities begin at a facility. *See* 1997 Permit, § B(1). The 2015 Permit contains substantially identical requirements. *See* 2015 Permit, § XI. The primary objective of the Monitoring and Reporting Program is to detect and measure the concentrations of pollutants in a facility's discharges to ensure compliance with the Permit's Effluent Limitations and Receiving Water Limitations. An adequate Monitoring and Reporting Program must be reviewed and revised in response to analyses and observations in order to ensure that BMPs are effectively reducing and/or eliminating pollutants from the Facility's activities from entering the River, downstream waters and surrounding communities. Furthermore, the Permit includes specific provisions requiring the Facility to revise and improve BMPs when analytical results demonstrate an exceedance of a NAL. *See* 2015 Permit, § XII.

The 1997 Permit and 2015 Permit both contain the same basic requirements, which include conducting visual observations of storm water discharges and authorized non-storm water discharges, collect and analyze samples of storm water discharges for relevant pollutants, revise and change the SWPPP and/or facility operations as necessary in response to analytical data, and file an Annual Report with the State board. *See e.g.* 1997 Permit §§ (B)3-(B)16.

1. *Failure to Conduct Sampling and Analysis*

The 1997 Permit required dischargers to collect storm water samples during the first hour of discharge from the first storm even of a wet season, and at least one other storm event during a reporting year.[13] *See* 1997 Permit, § B(5). The 2015 Permit created a more demanding schedule, and requires Bell to sample and analyze four storm water discharges over the course of a reporting year. *See* 2015 Permit, § XI(B)(2). Under the 1997 Permit, facilities must sample from qualifying storm events, which occur when there is a discharge of storm water during facility operating hours that was preceded by at three working days without a storm water discharge. *See* 1997 Permit, § B(5)(b). The 2015 Permit broadens the definition of qualifying storm event by requiring only 48-hours without a storm water discharge from any drainage area. *See* 2015 Permit, § XI(B)(1)(b). A sample must be collected from each discharge point at the Facility, and in the event that an operator fails to collect from each discharge point, the operators must still collect samples from two other storm events and explain in the Annual Report why the first storm event was not sampled. Bell Foundry has repeatedly violated these monitoring requirements for each of the last 4 storm water reporting years (i.e. 2011-2012, 2012-2013, 2013-2014, 2014-2015) and is highly unlikely to comply for the current reporting year.

[13] A storm water reporting year runs from June 1 to July 31, e.g. June 1, 2012 through July 31, 2013 constitutes storm water reporting year 2012-2013.

2. *Failure to Develop, Implement and/or Revise an Adequate Storm Water Pollution Prevention Plan*

A Facility's SWPPP is the cornerstone for compliance with the Permit's terms and conditions. The 1997 Permit requires dischargers to develop and implement a SWPPP prior to beginning industrial activities that ensures compliance with all terms and conditions applicable between 1997 and July 15, 2015. *See* 1997 Permit A(1), E(2). In order to enroll in the 2015 Permit, Bell was required to prepare and file a new SWPPP that complies with all of the new requirements of the 2015 Permit. *See* 2015 Permit, § X. The objectives of the requirement to development, maintain and revise a SWPPP are to identify pollutant sources and develop BMPs that reduce or prevent polluted storm water from negatively affecting Receiving Waters and California communities. *See* 1997 Permit § A(2); 2015 Permit § X(C). BMPs must achieve compliance with the Permit's Effluent Limitations and Receiving Water Limitations. To ensure compliance, the SWPPP must be evaluated and revised as necessary. *See* 1997 Permit §§ A(9)-(10); 2015 Permit § X(B). Failure to develop or implement an adequate SWPPP, or revise an existing SWPPP as necessary, is an independent Permit violation. *See* 2015 Fact Sheet § I(1).

Sections A(3) through A(10) of the 1997 Permit set out the requirements for a SWPPP. Among other requirements, the SWPPP must include the following: a pollution prevention team; a site map with detailed demarcations of potential pollutant sources, storm water flows and discharge/sampling points; a description and assessment of potential pollutant sources; and a description of BMPs, including both structural and non-structural techniques. Section X(D)-X(I) of the 2015 Permit sets forth essential the same SWPPP requirements, except that all dischargers are now required to develop and implement a set of minimum BMPs, as well as advanced BMPs as necessary to achieve BAT/BCT. *See* 2015 Permit § X(H). The 2015 Permit further requires certain SWPPP enhancements, including a more comprehensive assessment of potential pollutant sources and more specific BMP descriptions. *See* 2015 Permit §§ X(G)(2), (4), (5).

Bell has failed to develop an effective and comprehensive suite of BMPs under the 2015 Permit. The SWPPP filed by Bell on June 9, 2015 is woefully inadequate. The SWPPP fails to identify the locations of numerous potential pollutants that are plainly obvious at the site, describes only four BMPs for the entirety of the Facility, and includes only a perfunctory site map lacking information necessary for basic storm water pollution prevention planning (e.g. storm water flows, discharge/sampling locations, etc.). Further, various indicators in the SWPPP make clear that the plan is a minimally modified version of a plan prepared in the early 1990s. The SWPPP is far from being regularly revised or updated in response to data collected or the substantially operational changes at the Facility during the intervening years (e.g. taking Plant #2 offline).

3. *Failure to Comply with the Permit's Reporting Requirements*

Section B(14) of the 1997 Permit requires Bell to submit an Annual Report to the Regional Board by July 1 of each year. Section B(14) requires that the Annual Report include a summary of visual observations and sampling results, an evaluation of the visual observation and sampling results, the laboratory reports of sample analysis, the annual comprehensive site

compliance evaluation report, an explanation of why a permittee did not implement any activities required, and other information specified in Section B(13). The 2015 Permit includes substantially identical annual reporting requirement. *See* 2015 Permit, Section XVI.

Bell has failed and continues to fail to submit Annual Reports that comply with these reporting requirements. For example, in each Annual Report since the filing of the 2010-2011 Annual Report, Bell certified that: (1) a complete Annual Comprehensive Site Compliance Evaluation was done pursuant to Section A(9) of the Storm Water Permit; (2) the SWPPP's BMPs address existing potential pollutant sources and additional BMPs are not needed; and (3) the SWPPP complies with the General Industrial Permit, or will otherwise be revised to achieve compliance. However, information available to Waterkeeper indicates that these certifications are erroneous. For example, as discussed above, storm water samples collected from the Facility contain concentrations of pollutants above levels set by EPA's benchmark, the State Board's NALs or levels established in applicable WQSs, thus demonstrating that the SWPPP's BMPs do not adequately address existing potential pollutant sources. Further, the Facility's SWPPP does not include many elements required by the Storm Water Permit, and thus it is erroneous to certify that the SWPPP complies with the Permit.

In addition, the facility operator must report any noncompliance with the Storm Water Permit at the time that the Annual Report is submitted, including 1) a description of the noncompliance and its cause, 2) the period of noncompliance, 3) if the noncompliance has not been corrected, the anticipated time it is expected to continue, and 4) steps taken or planned to reduce and prevent recurrence of the noncompliance. *See* 1997 Permit, § C(11)(d). Bell has failed, and continues to fail, to report non-compliance as required.

Information available to Waterkeeper indicates that Bell has submitted incomplete and/or incorrect Annual Reports that fail to comply with the General Industrial Permit. As such, Bell is in daily violation of the Permit, and every day the Facility operates without reporting as required by the Permit is a separate and distinct violation of the Permit and Section 301(a) of the Act. 33 U.S.C. §1311(a). Bell has been in daily and continuous violation of the Permit's reporting requirements every day since at least May 17, 2011. These violations are ongoing. Waterkeeper will include additional violations when information becomes available, including specifically violations of the 2015 Permit reporting requirements. *See* 2015 Permit, §§ XII, XVI.

IV. Persons Responsible for the Violations

Waterkeeper puts Bell Foundry Co; Cesar Cappellini, President and CEO; Edgar Cruz, Vice President of Operations; Bobby Twijsel, Maintenance Engineer; and Dimitry Rabyy, Chief Financial Officer, on notice that they are the entities/persons responsible for the violations described above. If additional corporate or natural persons are s identified as also being responsible for the violations described herein, LAW puts Bell Foundry Co; Cesar Cappellini, President and CEO; Edgar Cruz, Vice President of Operations; Bobby Twijsel, Maintenance Engineer; and Dimitry Rabyy, Chief Financial Officer, on notice that it intends to include those persons in this action.

V. Name and Address of Noticing Party

Bruce Resnik
Executive Director, Los Angeles Waterkeeper
120 Broadway, Suite 105
Santa Monica, CA 90401

VI. Counsel

Please direct all communications to legal counsel retained by Waterkeeper for this matter:

Gideon Kracov, Law Office of Gideon Kracov
801 Grand Avenue, Floor 11
Los Angeles, CA 90017
gk@gideonlaw.net

VII. Penalties

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects Bell Foundry to a penalty of up to $37,500 per day per violation. In addition to civil penalties, Waterkeeper will seek injunctive relief to prevent further violations of the Act pursuant to Sections 505(a) and (d), and such other relief as permitted by law. *See* 33 U.S.C. §§ 1365(a), (d). Lastly, Section 505(d) of the Act permits prevailing parties to recover costs and fees, including attorneys' fees. *See* 33 U.S.C. § 1365(d).

Waterkeeper believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. Waterkeeper intends to file a citizen suit under Section 505(a) of the Act against Bell Foundry and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, Waterkeeper would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, Waterkeeper suggests that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period as Waterkeeper does not intend to delay the filing of a complaint in federal court.

Sincerely,

Gideon Kracov, Lawyer for Los Angeles Waterkeeper

Attachment A – Rain Event Data for Bell Facility: 2011 through 2016
Attachment B – Photos of Facility from Waterkeeper's May 6, 2016 Reconnaissance Visit

Cc: Loretta Lynch, U.S. Department of Justice
Gina McCarthy, U.S. Environmental Protection Agency

Alexis Strauss, U.S. Environmental Protection Agency (Region IX)
Thomas Howard, State Water Resources Control Board
Samuel Unger, Regional Water Quality Control Board (Region 4)

VIA U.S. CERTIFIED MAIL

Loretta Lynch, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-001

Gina McCarthy, Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Alexis Strauss, Acting Regional
Administrator
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105

Thomas Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100

Samuel Unger, Executive Officer
LA Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Exhibit A

STORM EVENT SUMMARY: June 2011-May 2016
Days with Rainfall above 0.1 inches
https://www.wunderground.com/history/airport/KCQT/2016/5/16/MonthlyHistory.html?req_city=Los%20Angeles&req_state=CA&reqdb.zip=90001&reqdb.magic=1&reqdb.wmo=99999)

Date (mm/dd/yy)	Rainfall (inches)
10/05/11	1.15
11/04/11	0.16
11/06/11	0.36
11/12/11	0.16
11/20/11	0.90
12/12/11	0.79
12/13/11	0.17
01/21/12	0.68
01/23/12	0.62
02/15/12	0.13
03/17/12	0.75
03/25/12	0.91
04/10/12	0.15
04/11/12	0.58
04/13/12	0.49
04/25/12	0.20
04/26/12	0.29
11/17/12	0.28
11/29/12	0.21
11/30/12	0.46
12/03/12	0.19
12/18/12	0.43
12/24/12	0.46
12/26/12	0.33
12/29/12	0.45
01/06/13	0.12
01/24/13	0.79
01/25/13	0.17
02/19/13	0.18
03/08/13	0.49
05/06/13	0.69
11/21/13	0.29
11/29/13	0.23
12/19/13	0.11
02/02/14	0.14

02/27/14	1.05
02/28/14	2.24
03/01/14	1.00
03/02/14	0.17
04/01/14	0.25
11/01/14	0.18
11/30/14	0.30
12/02/14	1.21
12/02/14	0.31
12/12/14	1.60
12/16/14	0.41
12/17/14	0.15
12/30/14	0.19
01/10/15	0.48
01/11/15	0.50
02/22/15	0.70
02/28/15	0.11
03/01/15	0.66
03/02/15	0.21
04/07/15	0.13
05/08/15	0.18
09/15/15	2.39
10/05/15	0.40
12/13/15	0.16
12/19/15	0.26
01/05/16	1.61
01/06/16	0.80
01/07/16	0.30
01/31/16	0.43
02/17/16	0.58
02/18/16	0.21
03/06/16	0.64
03/07/16	0.38
03/11/16	0.52
04/08/16	0.14

Exhibit B

Photos of Bell Facility: Reconnaissance Visit
Conducted By Waterkeeper on May 6, 2016

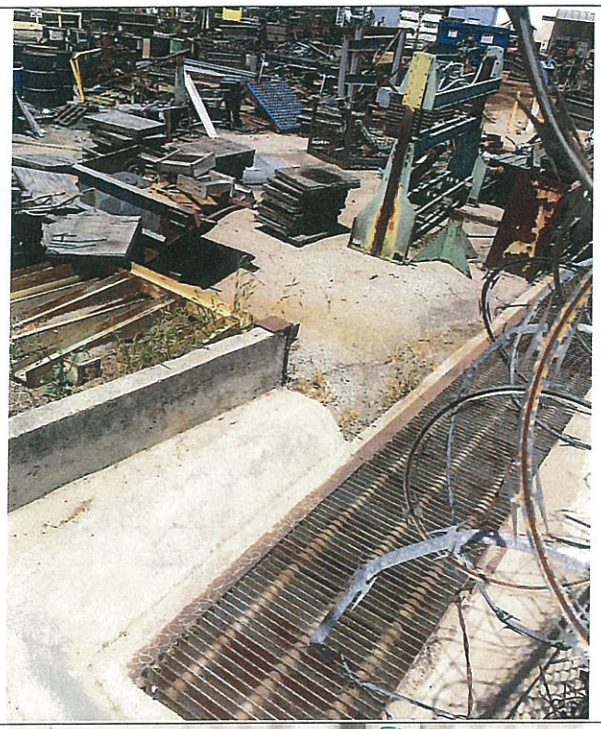

Photo 1

Dedicated Storm Water
Collection System Adjacent
to "Equipment Boneyard"

Photo 2

Storm Water Discharge Point
At Backside of Plant #1
Along Railroad Tracks

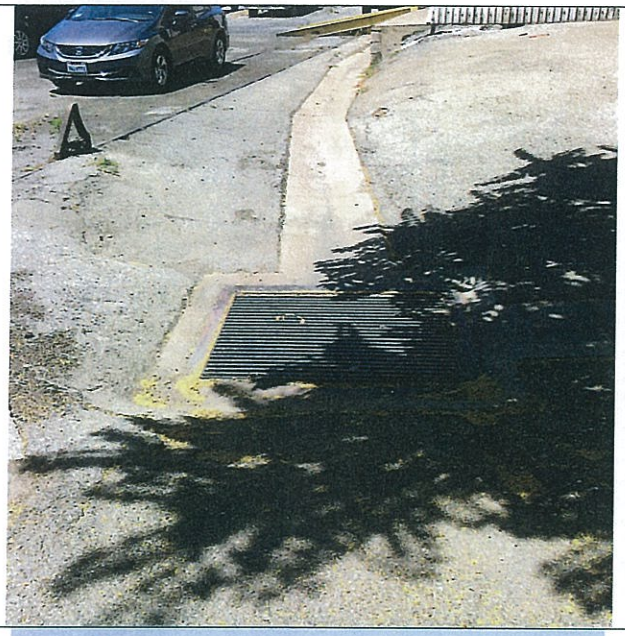

Photo 3

Dedicated Storm Water
Drain Behind Machine Shop

Photo 4

Roll-Off Bin Containing
Unknown Pollutants

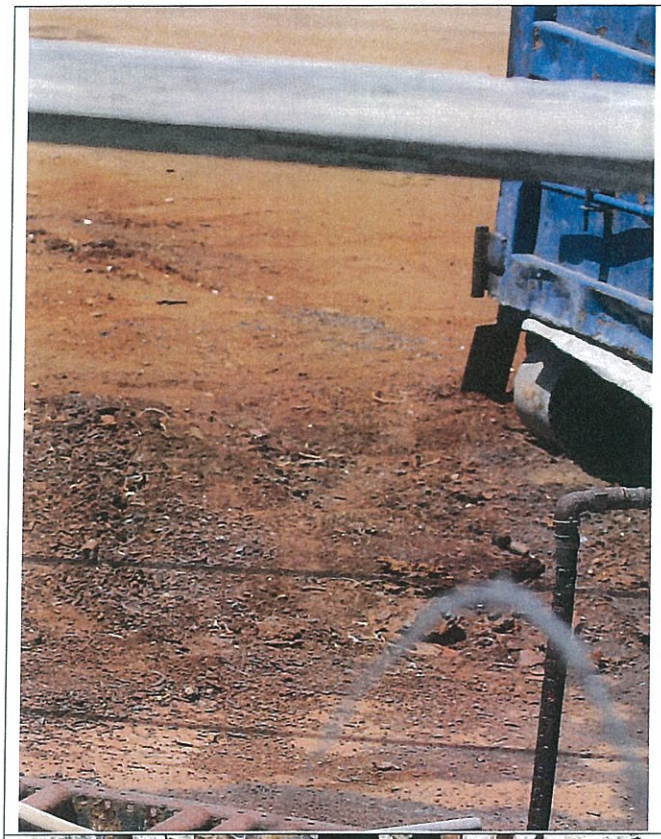

Photo 5

Roll-Off Bin Containing
Unknown Pollutants

Photo 6

Coal-Like Substance Leaking
From Back Side of Plant #1
Onto Railroad Tracks

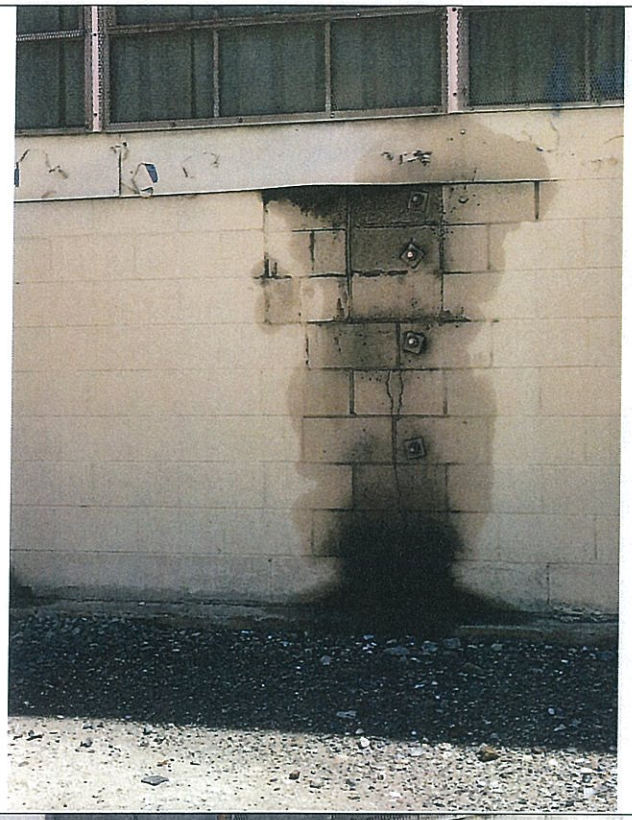

Photo 7

Coal-Like, Oily Substance Leaking
From Back Side of Plant #1
Onto Railroad Tracks

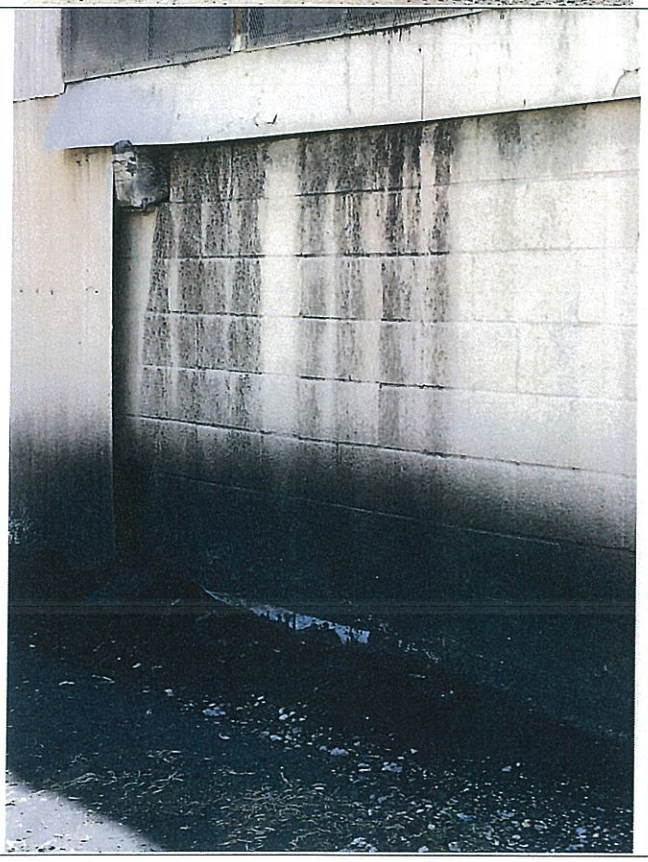

Photo 8

Coal-Like, Oily Substance Leaking
From Back Side of Plant #1
Onto Railroad Tracks

Photo 9

Unknown Metallic Substance
Heaped Into 55-Gallon Drums;
Exposed to Elements and
No Containment

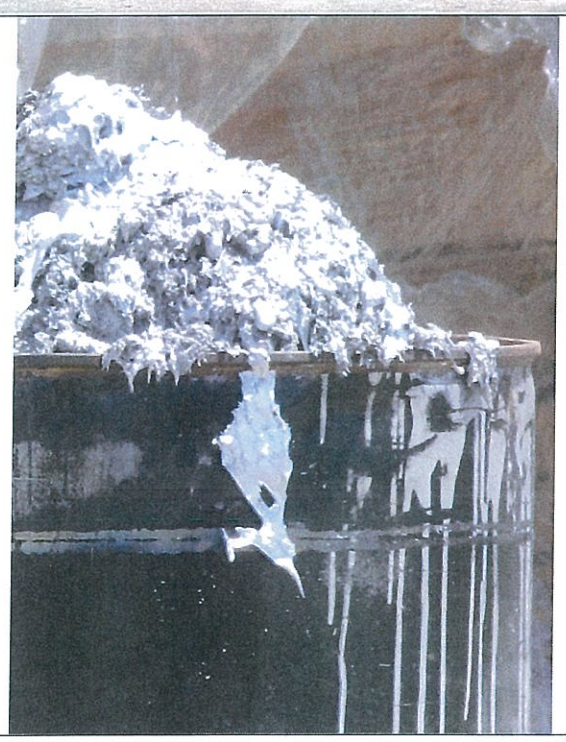

Photo 10

Unknown Metallic Substance
Heaped Into 55-Gallon Drums;
Exposed to Elements and
No Containment